

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

UNITED STATES OF AMERICA,)	CRIMINAL NO.: 2:18-cr-1017
)	
)	
v.)	
)	
)	
WENDELL WILKINS,)	MOTION REQUESTING RELEASE OF
)	THE TRANSCRIPT OF GRAND JURY
)	PROCEEDINGS
<u>Defendant.</u>)	

COMES NOW, the Defendant, Wendell Wilkins, by and through his undersigned Counsel, and requests an Order of this Court, pursuant to Rules 6(e) and 16(a)(3), Federal Rules of Criminal Procedure, to permit inspection and copying of the recorded testimony of all those individuals who appeared before the Grand Jury which returned this Indictment. By this Motion, Mr. Wilkins seeks to inspect and copy the recorded testimony of those witnesses whom the Government plan to call as witnesses at trial, and any other individuals whose testimony pertains in any way to Mr. Wilkins.

In support this Motion, Mr. Wilkins would show that:

1. Upon information and belief, the Grand Jury has ended deliberations, and all testimony it desired has been recorded and an indictment returned;
2. Any previously existing reason for secrecy no longer exists as there is no danger of undue influence or pressure being exerted on either the Grand Jurors or witnesses appearing before the Jury, nor is there any danger of an escape by persons whose indictments might be contemplated; and
3. The suppression of said testimony is not necessary for the protection of the Grand Jurors, nor would the same subject them to criticism, ridicule or embarrassment.

The testimony of witnesses, therefore, may become Brady material, and evidence of innocence to which Mr. Wilkins is entitled to at this time. Moreover, said testimony has been released and made available to prosecuting officials for their use in their preparation for trial of this case. Fair play and the right to a fair trial require that the testimony be available to Mr. Wilkins as he prepares his defense. Finally, the Grand Jury testimony is not privileged or confidential and must be release so Mr. Wilkins can prepare to face his accusers. Because the Government has used Grand Jury testimony to return and indictment and because it will continue to use this testimony in the prosecution of this case, it is material to the defense and must be produced.

WHEREFORE, Mr. Wilkins respectfully requests that this Court grant this Motion and Order the Government to make full disclosure of the Grand Jury proceedings.

Respectfully submitted,

s/ William H. Nixon, Jr.
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Charleston, South Carolina